

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 05-30111-MAP

JAMES V. CARIDDI,
Plaintiff

v.


CONSOLIDATED ALUMINUM CORPORATION,
Defendant

MOTION TO DISMISS PURSUANT TO FED. R. CIV. P. 12(b)(6)

NOW COMES Defendant, Consolidated Aluminum Corporation ("Conalco"), by and through its attorneys, Bowditch & Dewey, LLP, and states that Count I of the Complaint filed against Conalco pursuant to the Comprehensive Environmental Response Compensation Liability Act, 42 U.S.C. § 9601 *et seq.* ("CERCLA") fails to state a claim upon which relief can be granted.

For the reasons more fully set forth in the accompanying memorandum, Conalco asks this Court to dismiss Count I of Plaintiff's Complaint and grant Conalco such other relief as this Court deems fair and equitable.


Respectfully submitted,
Consolidated Aluminum Corporation
By its attorneys,


Robert D. Cox, Jr. (BBO #546486)
Bowditch & Dewey, LLP
311 Main Street, P.O. Box 15156
Worcester, MA 01615-0156
Telephone: (508) 791-3511
Facsimile: (508) 929-3012

Dated: June 7, 2005

CERTIFICATE PURSUANT TO LOCAL RULE 7.1

Pursuant to Local Rule 7.1(a)(2), I, Robert D. Cox, Jr., counsel for the Defendant Aluminum Consolidated Aluminum Corporation, hereby certify that I conferred with Christopher B. Myhrum, counsel for Plaintiff James V. Cariddi on May 27, 2005, by telephone in an attempt in good faith to resolve or narrow the issues which are the subject of the foregoing Motion to Dismiss Pursuant to Fed. R. Civ. P. 12(b)(6); however, no agreement was reached.



Robert D. Cox, Jr.

I hereby certify that a true copy of the
above document was served upon the
attorney of record for each party by
mail/hand on 6/7/05
